

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
FTMSC US, LLC)	
)	
)	File No. _____
Application for Authority)	
Pursuant to Section 214 of the)	
Communications Act of 1934, as amended,)	
to Provide U.S. Land Mobile Satellite)	
Services to Domestic Terminals Using)	
The Inmarsat 4F2 Satellite)	

APPLICATION

FTMSC US, LLC ("FTMSC") hereby applies for such authority as may be required, pursuant to Section 214 of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 214, and Section 63.18(e)(3) of the Commission's Rules, 47 C.F.R. § 63.18(e)(3), to provide Broadband Global Area Network ("BGAN") services to small appropriately-licensed Inmarsat User Terminals ("UTs") (also referred to herein as Mobile Earth Stations ("MESs")) located in the United States, using the Inmarsat 4F2 Satellite ("Inmarsat 4F2") and its Inmarsat "gateway" land earth stations ("LESS") located in Burum, Netherlands, and Fucino, Italy. Inmarsat 4F2 will replace Inmarsat 3, and be located at 52.75° W.L, and serve the same geographic regions as Inmarsat 3, using the same L-band service link frequencies that are authorized for use on Inmarsat 3 under

existing Commission authority.¹ This Application is subject to streamlined processing pursuant to Section 63.12 of the Commission's Rules, 47 C.F.R. § 63.12.

In support of its Application, FTMSC submits the following information.²

Part I of this Application contains background information concerning the Applicant and a description of the proposed services. Part II of this Application contains a public interest demonstration. Part III of this Application contains the information required under Section 63.18 of the Commission's Rules, 47 C.F.R. § 61.18.

I. BACKGROUND

FTMSC, a newly-formed limited liability company, is a wholly-owned subsidiary of France Télécom S.A. ("France Telecom"). France Telecom currently has a number of licensed subsidiaries operating in the United States, including France Telecom Long Distance USA, LLC and Equant U.S., Inc.³

FTMSC seeks to provide BGAN services within the United States. This new service will deliver simultaneous broadband data and voice services. The service is IP based, offering variable data rates up to 492 kbit/s, including fully symmetric services, and the circuit based services include both voice and 64 kbit/s ISDN.

¹ See Comsat Corporation d/b/a Comsat Mobile Communications, Stratos Mobile Networks (USA), LLC, Marinesat Communications Network, Inc. d/b/a Stratos Communications, Honeywell, Inc., Deere & Company, SITA Information Computing Canada, Inc. and IDB Mobile Communications Inc., *Memorandum Opinion and Order and Authorization*, FCC 01-272, 16 FCC Rcd. 21,661 at ¶ 1 (2001) ("*Stratos Order*").

² Concurrently with this application, FTMSC is filing an application for blanket Title III authority to operate the METs in the United States.

³ See *In Re International Authorizations Granted*, *Public Notice*, File Nos. ITC-214-19991215-00784, ITC-214-09991215-00782, and ITC-19991215-00783 (rel. Jan 6, 2000).

The Inmarsat 4F2 satellite, licensed in the United Kingdom, will provide in North America and other regions visible from the satellite, using the 1525 – 1559 MHz band for space-to-Earth transmissions and the 1626.5 – 1660.5 MHz band for Earth-to-space transmissions (collectively referred to as “L-band” frequencies). Inmarsat’s BGAN service will be provided using newly developed Inmarsat-4 (“I-4”) satellites that offer much greater traffic-bearing capacity than the previous generation of Inmarsat satellites and therefore allow for the provision of broadband satellite service. The first of these I-4 satellites was launched on March 11, 2005 to the 64° E.L. orbital location over the Indian Ocean. The second I-4 satellite, which will be used to provide service in the U.S., is scheduled to launch in the fourth quarter of 2005 and will be located at the 52.75° W.L. orbital location. With these two satellites, the BGAN service will cover approximately 85% of the earth’s surface. A third Inmarsat-4 satellite is under construction. Inmarsat expects that the Inmarsat 4F2 satellite will be ready to provide BGAN service in the United States by the first quarter of 2006.

FTMSC proposes to use Inmarsat’s existing LES facilities located in Burum, Netherlands and Fucino, Italy together with space segment purchased from Inmarsat to provide services to UTs located in the domestic United States, Puerto Rico, and the U.S. Virgin Islands. FTMSC recognizes the concerns that U.S. law enforcement agencies may have concerning the routing of domestic MSS traffic to outside the US. Accordingly, FTMSC has committed to route all of its U.S. domestic communications traffic (specifically including traffic from its US-Licensed UTs) through a Point-of-Presence (“POP”) switch in the US.

Prompt grant of this application is also fully consistent with the pro-competitive licensing criteria established by Congress in the Orbit Act, 47 U.S.C. § 601, *et. seq.* (“Orbit Act”).

II. PUBLIC INTEREST CONSIDERATIONS

Authorizing the proposed services clearly will serve the public interest. First, grant of the instant application will introduce a new service to the mobile satellite services (“MSS”) market in the United States. Increased competition and increased alternatives in the MSS market will encourage the development of innovative technologies, will lead to a reduction in rates to end user customers, and will ensure that the full complement of Inmarsat services and connecting alternatives becomes available during this period of economic stress for global communications.

Further, the Commission is authorized to grant the instant Application to operate UTs to provide service in the United States using Inmarsat satellites. The Commission has already determined that Inmarsat has privatized consistent with the Orbit Act,⁴ and that the use of space segment operated by Inmarsat for services to, from, or within the United States will not harm competition in the telecommunications market for the United States.⁵ In the *Stratos Order*, the Commission also found that the provision of the proposed services *via* Inmarsat satellites satisfies the DISCO II public interest considerations.⁶ Thus, grant of the instant Application is in the public interest.

III. SECTION 63.18 INFORMATION

In support of Applicant’s request for authorization, the following information is submitted pursuant to Section 63.18 of the Commission’s Rules:

⁴ *In Re Inmarsat Group Holdings Limited, Memorandum Opinion and Order*, IB Dkt. No. 04-439, FCC 05-126 (June 14, 2005). *See also In Re FCC Report to Congress as Required by the Orbit Act, Report*, FCC 05-127 (June 15, 2005).

⁵ *Stratos Order* at ¶ 109.

⁶ *Id.* at ¶ 18.

- (a) The name, address and telephone number of the Applicant is:

FTMSC US, LLC
c/o France Telecom North America
1717 K Street, NW, Suite 507
Washington, D.C. 20036-5333
Tel. (202) 822-2100
Attn: Danielle Aguto

- (b) FTMSC is a limited liability corporation organized under the laws of Delaware.

- (c) Correspondence concerning this Application should be sent:

FTMSC US, LLC
c/o France Telecom North America
1717 K Street, N.W., Suite 507
Washington, D.C. 20036-5333
Telephone: (202) 822-2100
Attn: Danielle Aguto, General Counsel

with a copy to:

William K. Coulter, Partner
Coudert Brothers LLP
1627 I Street, N.W., Suite 1200
Washington, D.C. 20006
Telephone: (202) 775-5100

- (d) FTMSC does not currently hold any Section 214 authorizations.

- (e) Pursuant to Section 63.18(e)(3) of the Commission's Rules, 47 C.F.R.

§ 63.18(e)(3), FTMSC requests authority to use Inmarsat space segment to provide facilities-based MSS land mobile services to mobile earth terminals located throughout the United States.

- (f) *See* response to paragraph (e) above.

(g) No new facilities will be constructed to provide the proposed services. As such, grant of this Application will not constitute a major action as defined in 47 C.F.R. § 1.1305. Accordingly, no environmental information is required to be submitted with this Application under Section 47 C.F.R. § 1.1311.

(h) FTMSC submits the following information concerning its ten percent or greater direct and indirect shareholder or other equity holders. FTMSC is wholly owned by FCR Holdings Inc., which is wholly owned by France Telecom Participations Holding Inc. France Telecom Participations Holding Inc. is wholly-owned by France Telecom Participations U.S., Inc., which is wholly-owned by Compagnie Générale des Communications (“Cogecom”), a French company. Cogecom is wholly owned by France Télécom S.A. (“France Telecom”). France Telecom is a publicly traded company on the New York Stock Exchange and the Paris Stock Exchange. The French State owns 19.85% of France Telecom, and a French Public Sector Institution called “ERAP” owns 15.02%. There are no other 10% or greater shareholders of France Telecom. There are no Interlocking Directorates to report under 47 C.F.R. § 63.18(h).

<u>Name</u>	<u>Address</u>	<u>Citizenship</u>	<u>Principal Business</u>
FCR Holdings Inc.	c/o FTNA 1717 K Street, N.W., Suite 507 Washington, D.C. 20036-5333 Telephone: (202) 822-2100 Attn: Danielle Aguto	U.S.	Holding Company
France Telecom Participations Holding Inc.	c/o FTNA 1717 K Street, N.W., Suite 507 Washington, D.C. 20036-5333 Telephone: (202) 822-2100 Attn: Danielle Aguto	U.S.	Holding Company
France Telecom Participations U.S., Inc.	c/o FTNA 1717 K Street, NW, Suite 507 Washington, D.C. 20036-5333 Telephone: (202) 822-2100 Attn: Danielle Aguto	U.S.	Holding Company
Cogecom	6, place d'Alleray 75015 Paris France	French	Holding Company

France Télécom S.A. 6, place d'Alleray French Telecommunications
75015 Paris
France

(i) FTMSC certifies that it is affiliated with entities that may be considered foreign carriers as described in Exhibit 1.

(j) FTMSC certifies that it seeks to provide Inmarsat BGAN services to/from destination countries where France Télécom may control foreign carriers, as indicated in Exhibit 1. FTMSC does not seek authorization to provide services to Equatorial Guinea or Vanuatu.

(k) FTMSC is affiliated with carriers in several of the applied-for countries, as indicated in Exhibit 1. Most of these countries are WTO members. For those countries listed in Exhibit 1 that are not WTO members, FTMSC is affiliated with only non-dominant carriers. *See* Exhibit 1.

(l) FTMSC will comply with the requirement to file the applicable quarterly reports under Section 43.61(c) of the Commission's Rules, 47 C.F.R. § 43.61(c).

(m) FTMSC hereby agrees to be classified as dominant, pursuant to Section 63.10(a)(2), 47 C.F.R. § 63.10(a)(2), on the international routes between the United States and France, Jordan, Poland, and Mauritius, without prejudice to its right to petition for reclassification at a later date.

Further, pursuant to Section 63.10(a)(4) of the Commission's Rules, 47 C.F.R. § 63.10(a)(4), FTMSC agrees to provide international switched service solely through the resale of unaffiliated U.S. facilities-based carriers' services on the routes between the U.S. and the Central African Republic, Chad, Côte d'Ivoire, Djibouti, French Guiana, French Polynesia, Guadeloupe, Madagascar, Martinique, Mayotte, Reunion Island, New Caledonia, Saint Pierre and Miquelon, Senegal, and Wallis and Futuna. FTMSC does not seek authorization to provide services to Equatorial Guinea or Vanuatu. In all other destination countries, FTMSC is either not affiliated with a foreign carrier, or the affiliated foreign carrier lacks market power pursuant to Section

63.10(a)(3) of the Commission's Rules, 47 C.F.R. § 63.10(a)(3).

(n) FTMSC certifies that it has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market and will not enter into such agreements in the future.

(o) FTMSC certifies that no party to this Application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

(p) Not applicable.

IV. CONCLUSION

For the reasons stated herein, FTMSC respectfully submits that the public interest, convenience, and necessity would be served by a grant of this Section 214 Application.

Respectfully submitted,

FTMSC US, LLC

By: /s/ Danielle Aguto
Danielle Aguto, Authorized Representative

Its Counsel

William K. Coulter
Coudert Brothers LLP
1627 I Street, NW
Washington, D.C. 20006

Date: October 11, 2005

LIST OF AFFILIATES

1. Affiliations Through Equant N.V.

Affiliate	Country of Operation
North/South America	
Equant Canada, Inc.	Canada
Equant Argentina S.A.	Argentina
Equant Brasil Ltda.	Brazil
Equant Chile S.A.	Chile
Equant Colombia S.A.	Colombia
Equant El Salvador, S.A. de C.V.	El Salvador
Equant, S.A.	Guatemala
Equant Honduras, S.A.	Honduras
Equant Jamaica Ltd.	Jamaica
Equant Operations Mexico S.A. de C.V.	Mexico
Equant de Mexico S.A. de C.V.	Mexico
Equant Nicaragua S.A.	Nicaragua
Equant Panama Inc.	Panama
Equant Peru S.A.	Peru
Equant Venezuela S.A.	Venezuela
Europe	
Equant Austria Telekommunikationsdienste GmbH	Austria
Equant Belgium S.A.	Belgium
Equant Bulgaria Ltd.	Bulgaria
Equant Czech Republic sro	Czech Republic
Equant Denmark A/S	Denmark
Equant Eesti OU	Estonia
Equant France S.A.	France
Equant Finland, OY	Finland
Equant Deutschland GmbH	Germany
Equant Gibraltar, Ltd.	Gibraltar
Equant Communications Hellas S.A.	Greece
Equant Hungary Telecommunications Ltd.	Hungary
Equant Iceland Ehf	Iceland
Equant Network Systems Ltd.	Ireland
Equant Italy SpA	Italy
Equant Latvia Ltd.	Latvia
UAB Equant Lietuva	Lithuania
Equant S.A.	Luxembourg
EGN B.V.	Malta
Equant Netherlands B.V.	Netherlands
Equant Norway A.S.	Norway
Equant Communications Poland sp. Zoo	Poland
Equant Portugal S.A.	Portugal
Equant Switzerland S.A.	Switzerland
Equant Slovakia sro	Slovakia
Equant doo Ljubljana	Slovenia
Equant Spain S.A.	Spain
Equant European Networks B.V.	

LIST OF AFFILIATES

Affiliate	Country of Operation
Equant Sweden A.B.	Sweden
Equant Communications Service A.G.	Switzerland
Equant Romania S.A.	Romania
Equant LLC	Russia*
Equant Istanbul Telekomunikasyon A.S.	Turkey
Equant UK Ltd. ENG B.V. Global One Communications Holding Ltd.	United Kingdom
CIS	
Equant Armenia LLC	Armenia
ENG B.V.	Azerbaijan*
Equant Georgia Ltd.	Georgia*
Equant Kazakhstan Ltd.	Kazakhstan*
Equant Krgyz Ltd.	Kyrgyzstan*
Equant Ukraine Ltd.	Ukraine*
Equant Global Networks Uzbekistan Ltd.	Uzbekistan*
ASIA	
Equant Australia Pty. Ltd.	Australia
Equant Hong Kong Ltd.	Hong Kong Taiwan
Global One (India) Private Ltd.	India
Equant Japan Co. Ltd.	Japan Hong Kong
Equant Global One Korea Ltd.	Korea
Equant Malaysia Sdn. Bhd. Equant Services Malaysia Sdn. Bhd.	Malaysia
Equant New Zealand Ltd.	New Zealand
Equant Pte Ltd.	Singapore
AFRICA	
Equant Egypt for Communications S.A.E.	Egypt
Equant Ivory Coast S.A.	Code d'Ivoire
Equant Ghana Ltd.	Ghana
Equant Morocco Inc.	Morocco
Equant Nigeria Ltd.	Nigeria
Equant South Africa (Proprietary) Ltd.	South Africa
Equant Tanzania Limited	Tanzania

*Indicates not a WTO member country.

LIST OF AFFILIATES

2. Affiliations Through France Télécom and Orange

The following are foreign carrier affiliates of France Télécom S.A. and Orange S.A. Except where noted, the Commission has found these entities to be without market power. *See In Re International Authorizations Granted, Public Notice*, DA 00-11, File Nos. ITC-214-19991215-00782, 00783, 00784 (January 6, 2000). *See also* Foreign Carrier Affiliation Notifications of FT Networks L.L.C. Applicant does not seek reclassification of any of these determinations at this time.

COUNTRY	CARRIERS	MARKET POWER
EUROPE		
Belgium	Mobistar S.A. Mobistar Corporate Solutions	NO
Czech Republic	France Télécom Long Distance Czech s.r.o.	NO
Denmark	Orange A/S	NO
France and Reunion Island	France Télécom - (and all the French subsidiaries of France Télécom)	YES
	Orange France Orange Réunion Transpac	NO
Moldova	VoXtel S.A.	NO
Netherlands	Orange Retail B.V. Orange Netherlands N.V.	NO
Norway	France Telecom Network Services Norway AS	NO
Poland	Telekomunikacja Polska S.A. (TP S.A.)	YES
	PTK Centertel Sp. Zoo Telefony Podlaskie S.A.	NO
Romania	Orange Romania	NO
Slovakia	Orange Slovensko, a.s.	
Spain	France Telecom Espana Al-pi	NO
Sweden	France Télécom Network Services Sweden AB Orange Sverige AB	NO
Switzerland	Orange Communications S.A. France Telecom Network Services Switzerland S.A.	NO
United Kingdom	Orange Personal Communications Services Ltd. France Telecom Network Services UK Ltd	NO

LIST OF AFFILIATES

AFRICA/MIDDLE EAST/ASIA		
Botswana	Orange Botswana Ltd.	NO
Cameroon	Orange Cameroun S.A.	NO
Côte d'Ivoire	Côte d'Ivoire Telecom	YES
	Orange Côte d'Ivoire	NO
Egypt	Egyptian Company for Mobile Services	NO
Jordan	Jordanian Telecom Company	YES
	Petra Jordanian Mobiles Telecommunications Company (Mobilcom)	NO
Lebanon*	France Telecom Mobiles Liban	NO
Madagascar	Orange Madagascar S.A.	NO
Mali	Ikatel S.A.	NO
Mauritius	Mauritius Telecom Ltd. (and its subsidiaries)	YES
	Cellplus	
Senegal	Société Nationale des Télécommunications (Sonatel) Sonatel Mobiles	YES
ASIA & OCEANIA		
French Polynesia	France Câbles et Radio Tahiti Nui Telecom	YES
Hong Kong	France Telecom Long Distance Hong Kong Ltd.	NO
Japan	France Telecom Long Distance Japan K.K. Global One Communication Network, Inc.	NO
New Caledonia	France Câbles et Radio	YES
Singapore	France Telecom Long Distance Singapore Pte. Ltd.	NO
Thailand	TA Orange	NO
Wallis and Futuna	France Câbles et Radio	YES
Vietnam*	FCR Vietnam PTE Ltd.	NO
SOUTH/CENTRAL AMERICA		
Canada	France Télécom Canada Inc.	NO
Dominican Republic	Orange Dominicana S.A.	NO
French Guiana	Orange Caraïbes	YES
	France Télécom S.A.	
French Antillas	Orange Caraïbes	NO
Guadeloupe	Orange Caraïbes France Télécom S.A.	YES
Martinique	Orange Caraïbes	YES
	France Télécom S.A.	
Mayotte	France Câbles et Radio	YES
St. Pierre and Miquelon	France Câbles et Radio	YES

*Indicates not a WTO member country.

LIST OF AFFILIATES

3. Affiliations Through GlobeCast

GlobeCast, a division of France Télécom S.A., provides in France and, via subsidiaries in other countries listed below, transmission and production services for video, audio, business, television. Its customers are mostly broadcasters, and due to the highly customized products and the limited number of customers, it provides services on a private carriage basis in the United States and in most other circumstances. Nonetheless, for informational purposes only, the following table identifies the countries where GlobeCast and its subsidiaries are based, although some services may be provided in third countries.

COUNTRY OF OPERATION	COMPANY NAME	MARKET POWER
Australia	GlobeCast Australia	NO
Brazil	GlobeCast Brésil	NO
Canada	GlobeCast North America	NO
France	GlobeCast France	NO
Italy	GlobeCast Italia Srl	NO
Lebanon*	GlobeCast Liban	NO
Singapore	GlobeCast Asia	NO
Spain	GlobeCast España	NO
United Kingdom	GlobeCast UK	NO

*Indicates not a WTO member country.

GlobeCast and its subsidiaries do not have more than 50% of the international transport and the local access markets in their respective countries.

CERTIFICATION

I hereby certify to the following:

As required by Sections 63.18(e)(4) of the Commission's Rules, 47 C.F.R. § 63.18(e)(4)(2003), FTMSC US, LLC ("FTMSC") will comply with all requirements under Sections 63.21, 63.22, and 63.23 of the Commission's Rules, 47 C.F.R. §§ 63.21-.23 (2003).

As required by Section 63.18(i) of the Commission's Rules, 47 C.F.R. § 63.18(i)(2003), FTMSC is "affiliated" with "foreign carriers," as defined in Section 63.09(d)-(e) of the Commission's Rules, 47 C.F.R. §§63.09(d)-(e)(2003), in each country listed in Exhibit 1 to this Application.

As required by Section 63.18(j) of the Commission's Rules, 47 C.F.R. § 63.18(j)(2003), FTMSC's ultimate parent company, France Telecom, owns a 25% or greater interest in the foreign carriers in the countries listed in the response to section (j) of Part III in the attached application.

Pursuant to Section 63.14 of the Commission's Rules, 47 C.F.R. § 63.14 (2003), FTMSC has not agreed to accept special concessions directly or indirectly from any foreign carrier which possesses sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market and agrees not to enter into such arrangements in the future, except as the Commission's Rules provide.

In accordance with Sections 1.2001-1.2003 of the Commission's Rules, 47 C.F.R. §§ 1.2001-1.2003(2003), no party to this application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853(a)(2003).

I am authorized to enter into this certification on behalf of FTMSC.

All of the information contained in the attached FTMSC Application for Section 214 Authority is true and correct to the best of my knowledge and belief.

By: /s/ Danielle Aguto
Danielle Aguto, Authorized Representative

DATED: October 11, 2005

CERTIFICATE OF SERVICE

I, Christine L. Zepka, hereby certify that I have caused copies of the foregoing "Application for Authority" to be served this 11th day of October, 2005 by first class mail, postage prepaid to the following:


Signature

Donald Abelson
Chief, International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Federal Communications Commission
445 12th St. S.W.
Room CY-B402
Washington DC 20554

George Li
Deputy Chief,
Telecommunications Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Deputy Assistant Secretary of
Defense (Telecommunications)

Pentagon Room 3E160
Washington, D.C. 20401

Susan O'Connell
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Vernon McConnell –W36
Director
National Security Agency
Fort George G. Meade, MD 20755

Claudia Fox
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Carl Wayne Smith, Esq,
Acting Chief Regulatory Counsel
Defense Communications Agency
Washington, D.C. 20350-2000
Attention: Code 115

Belinda Nixon
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

John Sapko
Assistant Secretary of Commerce
(Acting)
National Telecommunications and
Information Agency
14th and Constitution Avenue, N.W.
Room H 4717
Washington, D.C. 20230

Lisa Choi
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Richard C. Beaird
Acting U.S. Coordinator
U.S. Department of State
EB/CIP
2201 C Street, N.W.
Room 4826
Washington, DC 20520

Qualex International